

AMENDED IN ASSEMBLY APRIL 14, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 491

Introduced by Assembly Member Garrick

February 24, 2009

An act to add Section 594.9 to the Penal Code, relating to vandalism.

LEGISLATIVE COUNSEL'S DIGEST

AB 491, as amended, Garrick. Vandalism: political signs.

Existing law establishes various offenses for vandalizing property, including for the vandalism of polling place materials at an election.

This bill would prohibit a person from knowingly destroying, marking, tearing down, or otherwise defacing a sign supporting or opposing a candidate for elective office or a ballot measure without authorization from the campaign responsible for the production or creation of the sign. The bill would make ~~violation of this provision an infraction punishable by a person who violates this provision subject to an~~ *additional* fine not to exceed \$1,000. The bill would require any moneys collected for a violation of this provision to be disbursed to the campaign responsible for the production or creation of the sign, in an amount not to exceed 50% of the fine and, when added to the amount of any prior fines paid during the calendar year to the campaign pursuant to this provision, not to exceed the amount of any applicable campaign contribution limit for the year. The balance of the fine pursuant to this provision would be payable to the local law enforcement agency in the city or county in which the offense was committed.

Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 594.9 is added to the Penal Code, to read:
2 594.9. (a) A person who knowingly destroys, marks, tears
3 down, or otherwise defaces a sign supporting or opposing a
4 candidate for elective office or a ballot measure without
5 authorization from the campaign responsible for the production
6 or creation of the sign, in addition to any other penalty provided
7 by law, is ~~guilty of an infraction punishable by a~~ *subject to an*
8 *additional* fine not to exceed one thousand dollars (\$1,000).

9 (b) Notwithstanding any other provision of law, any moneys
10 collected ~~or the base fine imposed under subdivision (a)~~ for a
11 violation of subdivision (a) shall be disbursed as follows:

12 (1) An amount payable to the campaign responsible for the
13 production or creation of the sign, not to exceed 50 percent of the
14 fine and, when added to the amount of any prior fines paid during
15 the calendar year to the campaign pursuant to this section, not to
16 exceed the amount of any applicable campaign contribution limit
17 for the calendar year.

18 (2) The balance of the fine shall be payable to the local law
19 enforcement agency in the city or county in which the offense was
20 committed.

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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